

**FIFTH DAY**  
(Friday, May 28, 1982)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: McKnight.

A quorum was announced present.

Senator Grant Jones offered the invocation as follows:

Heavenly Father, help us to remember that Thou art a forgiving Lord and that although we may have lived lives not pleasing in Thy sight, each day offers us a new opportunity to begin again. In Christ's name we pray, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Mauzy.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

**S.C.R. 8**  
**S.C.R. 9**  
**S.C.R. 4**

**REPORTS OF STANDING COMMITTEES**

Senator Jones submitted the following report for the Committee on Finance:

**C.S.S.B. 2** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 8**

**SENATE RESOLUTION 89**

Senator Santiesteban offered the following resolution:

WHEREAS, The bright smile and cheerfulness of Assistant Sergeant-at-Arms Daniel Ramirez have been familiar sights in the halls and offices of the Capitol for the past 10 years; and

WHEREAS, Always eager to assist, no matter how menial the chore, Mr. Ramirez has rendered himself indispensable to the smooth functioning of the Sergeant's office; and

WHEREAS, Deeply interested in the problems and concerns of his fellow staff members, Mr. Ramirez's sympathetic manner and deep understanding have invited many confidences from them; and

WHEREAS, In addition to the considerable talents he exhibits in supervising the messengers office, Mr. Ramirez is a master puppeteer whose productions at a variety of events in the Austin area have captured the imagination and enthusiasm of his young audiences; and

WHEREAS, Mr. Ramirez is leaving the Senate in order to achieve his boyhood dream of serving God as a Paulist Father; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 67th Legislature, 2nd Called Session, That Daniel Ramirez be commended for his service to the Senate for the past decade and extended best wishes as he begins his new life and career; and, be it further

RESOLVED, That a copy of this Resolution be prepared, under the official Seal of the Senate, and presented to Mr. Daniel Ramirez as a token of esteem and affection from the Texas Senate.

The resolution was read.

On motion of Senator Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Santiesteban and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RESOLUTION 91

Senator Doggett offered the following resolution:

**S.R. 91**, Commending Willis Littlefield on being named Shriner of the Year.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RESOLUTION 86

Senator Brooks offered the following resolution:

WHEREAS, State Senator Glenn Kothmann will observe his birthday on May 30th, and his Senate colleagues wish to extend warm congratulations and best wishes on this occasion; and

WHEREAS, Senator Kothmann is a citizen, soldier, teacher and statesman in the true tradition of those who founded the great Republic of Texas and led the economic and political development of our great state; and

WHEREAS, He is a respected military leader, as evidenced by his attaining the rank of Brigadier General; and

WHEREAS, Senator Kothmann was born and educated in San Antonio, graduated from Texas A&M University, and taught history and government in the public schools in San Antonio; and

WHEREAS, He has been in the cattle and ranching business, and is presently engaged in various businesses; and

WHEREAS, Senator Kothmann is an esteemed legislator who has served with dedication and unwavering integrity for 23 years in the House and Senate of the Texas Legislature, representing his constituents faithfully and responsibly; and

WHEREAS, The Senator recently demonstrated his political strength and abilities by prevailing in an extremely difficult primary campaign for renomination to the Senate; and

WHEREAS, His uncanny political polls in many instances have proven to be more accurate than some very expensive, highly-touted professional polls; and

WHEREAS, Senator Kothmann has risen above scurrilous and unfair attacks by some representatives of the media, including at least one publication with excellent restaurant and entertainment reviews but precious little credibility for political reporting; and

WHEREAS, The Senate of the State of Texas and the citizens of Senatorial District 19 are fortunate to have a distinguished representative who is respected for credibility and fine work in Senate committees and on the floor of the Senate; and

WHEREAS, Senator Kothmann has a reputation among his colleagues for humor and patience, as evidenced recently when he was asked to respond to an attack by a political opponent regarding his assets reported in accordance with State law; his answer was, "When one raises his head above the crowd, he frequently becomes a target for fools"; now, therefore, be it

RESOLVED, That Senator/General Glenn Kothmann is hereby commended for his years of faithful and honorable public service, his tenacity in representing his constituents, and his strong spirit that has allowed him to prevail against bitter foes and great odds; and, be it further

RESOLVED, That official copies of this Resolution be prepared for Senator Kothmann as a token of the Senate's esteem for his personal commitment to public service, and in appreciation for his good work on behalf of his fellow Texans.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RESOLUTION 85

Senator Jones offered the following resolution:

WHEREAS, Mr. Lynn Moak, from May 1976 to May 1982, has served as the Director of Research for the Lieutenant Governor of the State of Texas; and

WHEREAS, In the performance of those duties for the Lieutenant Governor and the Senate, Lynn Moak has shown an expert's understanding of the complexities involved in financing state and local government in Texas; and

WHEREAS, The Lieutenant Governor and the Senate have relied heavily upon his knowledge and insight in the particular fields of public school finance, the State's retirement systems, and the financing of highway construction programs; and

WHEREAS, Lynn Moak has made a vast and important contribution to increasing the professionalism of legislative research and information gathering; and

WHEREAS, The Lieutenant Governor, the staff of the Office of the Lieutenant Governor, and the Senate as a whole will surely miss his guidance and expertise in so many areas; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 67th Legislature, 2nd Called Session, That tribute and congratulations be given to Mr. Lynn M. Moak for his contributions to state government and that best wishes be extended for his continued success in the challenges of private business; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of gratitude from the Texas Senate.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

The President presented an enrolled copy of S.R. 85 to Mr. Moak.

#### SENATE CONCURRENT RESOLUTION 10 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 10, Granting Maria Sepulveda permission to sue the State of Texas.

The resolution was read second time and was adopted.

#### AT EASE

The President at 11:25 o'clock a.m. announced the Senate would stand At Ease until 11:35 o'clock a.m.

#### IN LEGISLATIVE SESSION

The President at 11:35 o'clock a.m. called the Senate to order as In Legislative Session.

**COMMITTEE SUBSTITUTE SENATE BILL 2  
ON SECOND READING**

On motion of Senator Snelson and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 2**, Relating to appropriations and authorizations for the construction of permanent improvements, acquisition of land, and major repair and rehabilitation projects at certain institutions of higher education.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 2 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider **S.R. 83** today upon recess.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 7**, Expressing opposition to certain proposed federal legislation that would provide for federal control of State pension systems. (With amendment)

**H.C.R. 1**, Granting Beltway Shopping Center permission to sue the State.

**H.C.R. 3**, Requesting Governor Clements to include fire ant legislation in the subjects that may be considered during 2nd Called Session.

**H.C.R. 21**, Requesting the government of Poland to end martial law.

**H.C.R. 22**, Congratulating the Refugio High School track team.

**H.C.R. 23**, Congratulating the Woodsboro High School track team.

**H.C.R. 24**, Honoring Edna and Ganado, Texas, on the occasion of their twin centennial celebration.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**MOTION TO PLACE SENATE BILL 8 ON SECOND READING**

Senator Sarpalius asked unanimous consent to suspend the regular order of business and all necessary rules to take up for consideration at this time:

**S.B. 8**, Relating to a work release program for persons convicted of certain criminal offenses.

There was objection.

**RECESS**

On motion of Senator Mauzy the Senate at 12:15 o'clock p.m. took recess until 3:00 o'clock p.m. today.

**AFTER RECESS**

The Senate met at 3:00 o'clock p.m. and was called to order by the President.

**HOUSE RESOLUTIONS ON FIRST READING**

The following resolutions received from the House were read the first time and referred to the Committee indicated:

**H.C.R. 1**, To Committee on Administration.

**H.C.R. 3**, To Committee on Administration.

**H.C.R. 21**, To Committee on Administration.

**REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Blake submitted the following report for the Committee on Administration.

**S.R. 83**

**SENATE RESOLUTION ON FIRST READING**

The following resolution was introduced, read first time and referred to the Committee indicated:

**S.C.R. 11** by Snelson Administration  
Requesting that the 68th Legislature provide for a permanent source of funding in meeting the construction needs of higher education in Texas.

**SENATE RULE 74a SUSPENDED**

On motion of Senator Caperton and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to S.C.R. 7.

**SENATE CONCURRENT RESOLUTION 7 WITH HOUSE AMENDMENT**

Senator Caperton called S.C.R. 7 from the President's table for consideration of the House amendment to the bill.

The President laid the resolution and the House amendment before the Senate.

Substitute the following for S.C.R. 7:

WHEREAS, Legislation to enact the Public Employee Retirement Income Security Act has once again been introduced in the Congress of the United States in the form of H.R. 4928 and H.R. 4929 (Senate companion bills, S 2105 and S 2106); and

WHEREAS, Federal regulation of this state's public pension systems would increase administrative costs, draining away funds that would otherwise be used to pay benefits; and

WHEREAS, Federal regulation of this state's public pension system would slow the initial payment of claims and benefits by imposing federal promulgations on procedures, while making the records of individual members open to public scrutiny; and

WHEREAS, The State Pension Review Board already supervises the state's public pension plans insuring their actuarial soundness and prudent investments; and

WHEREAS, Texas law already provides for disclosure by these pension plans to their participants and annuitants and for reports by these plans to the State Pension Review Board; and

WHEREAS, Article XVI, Section 67 of the Constitution of Texas protects the interests of participants and annuitants of public pension plans by requiring that pension investments be made prudently by pension trustees considering both probable income and safety of capital, by requiring that such funds be held in trust for pension participants and annuitants, by prohibiting diversion of the fund for other purposes, and by requiring the benefits be funded on an actuarially sound basis; and

WHEREAS, Texas statewide public pension plans are in sound actuarial condition; and

WHEREAS, The Texas Open Records Act makes information maintained by public pension plans, other than information in individual member files, available to the public as well as to any government entity who wishes to investigate the conduct of their affairs; and

WHEREAS, Studies of public pension plans commissioned by the federal government show that the great majority of public employees in the United States are covered by sound pension systems but that federal pension systems (even excluding Social Security) have extremely high unfunded liabilities; and

WHEREAS, There is considerable pressure, especially in areas of the nation which are suffering economic hard times, to use public pension funds belonging to the public employees to bail out financially troubled governments and industries with "social" investments made at a lower than appropriate rate of return or posing an excessive risk to the capital of the funds; and

WHEREAS, Passage of H.R. 4929 (S 2106) could prompt the Internal Revenue Service to impose a greater tax liability on death benefits, an income tax on employees for the state contribution, and a tax on investment earnings, drastically cutting the amounts available for benefits; and

WHEREAS, The proposed legislation would

- (1) preempt state laws and constitutional provisions which impose strict fiduciary responsibilities on public pension trustees in Texas and provide other valuable protection to public pension participants and annuitants;
- (2) make possible the promulgation of federal rules or enactment of future amendments which would, having preempted state protections, permit or require social investing by public funds at the expense of retirement system participants and annuitants;
- (3) impose increased costs and burdens on public retirement systems through its reporting requirements, benefit application procedure requirements, and other provisions which will divert funds from these plans which would otherwise be used to pay benefits;
- (4) permit extensive federal control over state pension plans through its almost open ended authority for the Secretary of Labor to issue regulations to accomplish the purposes of the act;
- (5) make the federal courts the primary interpreter of state pension laws;
- (6) encourage frivolous personal lawsuits against pension fund trustees and advisors which will discourage their uncompensated service to public employees; and
- (7) interfere with the responsibility of boards of trustees as established in state statutes and constitutional provisions for actuarial projections and benefit cost estimates to the state legislature; and

WHEREAS, The provision for exempting a state from this legislation (1) applies essentially to the reporting and disclosure sections of the legislation and would not exempt Texas pension participants from the preemption of its statutory constitutional protections; (2) cannot assure Texas of exemption because of the unknown requirements of the federal regulations regarding reporting and disclosure, especially with respect to information made confidential by Texas law; and (3) give the Governor of a state power to exempt a state only in accordance with regulations issued by the Secretary of Labor and subject to the power of the Secretary of Labor to revoke the exemption; and

WHEREAS, Any attempt presently to permit or require social investing of Texas public funds would require a constitutional amendment to be voted on by the people but, if this federal legislation were enacted, such social investing could be permitted or required by federal regulation or a quiet, unobtrusive amendment of federal law; and

WHEREAS, In a policy statement adopted at the National Conference of State Legislatures (NCSL) annual meeting in 1981, the NCSL resolved that "the Public Employee Retirement Income Security Act and any similar proposals be opposed as a serious usurpation of the sovereign power of the state and local governments"; now, therefore, be it

RESOLVED by the Senate, the House of Representatives concurring, That the 67th Legislature of the State of Texas, 2nd Called Session, hereby declare opposition to passage of the Public Employee Retirement Income Security Act in any version, and, be it further

RESOLVED, That the Texas Secretary of State forward official copies of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to all members of the Texas



delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

RESOLVED, That the Texas Secretary of State forward official copies of this resolution to the legislatures of the other states with the request that they join this state in opposing the passage of any version of the Public Employee Retirement Income Security Act.

The amendment was read.

Senator Caperton moved to concur in the House amendment.

The motion prevailed.

#### RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

H.J.R. 1  
H.C.R. 11  
H.C.R. 17  
H.C.R. 18  
H.C.R. 19  
H.C.R. 4  
H.C.R. 2

#### SENATE RULE 103 SUSPENDED

On motion of Senator Howard and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider the following resolutions upon recess today:

S.C.R. 11  
H.C.R. 1  
H.C.R. 3  
H.C.R. 21

#### RECESS

On motion of Senator Doggett the Senate at 3:10 o'clock p.m. took recess until 4:00 o'clock p.m. today.

#### AFTER RECESS

The Senate met at 4:00 o'clock p.m. and was called to order by the President.

#### REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Blake submitted the following report for the Committee on Administration:

S.C.R. 11  
H.C.R. 1

**RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

**S.C.R. 7****SENATE RESOLUTION 83 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time:

**S.R. 83**, Urging the President and Congress to proceed with utmost caution to preserve the reasonable expectations and rights of those who have earned or presently are earning railroad retirement benefits.

The resolution was read second time and was adopted.

**MOTION TO PLACE SENATE CONCURRENT RESOLUTION 11  
ON SECOND READING**

Senator Snelson asked unanimous consent to suspend the regular order of business and all necessary rules to take up for consideration at this time:

**S.C.R. 11**, Requesting that the 68th Legislature provide for a permanent source of funding in meeting the construction needs of higher education in Texas.

Senator Doggett requested a full reading of the resolution.

The Secretary of the Senate read the resolution in its entirety.

There was objection to the consideration of **S.C.R. 11**.

**HOUSE CONCURRENT RESOLUTION 1 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time on its second reading:

**H.C.R. 1**, Granting Beltway Shopping Center permission to sue the State of Texas.

The resolution was read second time and was adopted.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Jones and by unanimous consent, Senate Rule 103 and all other necessary rules were suspended in order that the Committee on Finance might consider at this time copies of **H.B. 9** and **H.B. 1** pending arrival of the original bills from the House.

**AT EASE**

On motion of Senator Mauzy the Senate at 4:33 o'clock p.m. agreed to stand At Ease pending arrival of **H.B. 9** and **H.B. 1** from the House and upon receipt of these bills stand recessed until 6:00 o'clock p.m.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 15**, Recognizing legislative service of State Representative W. S. "Bill" Heatly, retiring Dean of the House of Representatives.

**S.J.R. 6**, Proposing a constitutional amendment relating to the maximum interest for Texas Water Development Bonds. (With amendments)

**S.J.R. 10**, Proposing an amendment to **H.J.R. 62**, 67th Legislature, Regular Session, 1981, relating to a constitutional amendment to authorize the legislature to provide by law for assistance grants, medical care, and services to certain needy persons.

Respectfully,

**BETTY MURRAY**, Chief Clerk  
House of Representatives

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 5:11 o'clock p.m.

**AT EASE**

The Senate, in accordance with a motion previously adopted, agreed to stand At Ease at 5:13 o'clock p.m. pending arrival of House bills from the House.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 5:50 o'clock p.m.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.J.R. 8**, Proposing a constitutional amendment exempting implements of husbandry from ad valorem taxation. (With amendment)

**S.C.R. 10**, Granting Maria Sepulveda permission to sue the State.

**S.C.R. 12**, In memory of the Honorable A. M. Aikin, Dean Emeritus of the Senate.

**H.B. 1**, Relating to an appropriation for the construction of permanent improvements at certain institutions of higher education.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 1**, To Committee on Finance.

#### RECESS

The Senate at 5:55 o'clock p.m., in accordance with a motion previously adopted, recessed until 6:00 o'clock p.m.

#### AFTER RECESS

The Senate met at 6:00 o'clock p.m. and was called to order by the President.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 28, 1982

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 5**, Recognizing legislative service of Representative Buddy Jones.

**H.C.R. 6**, Recognizing legislative service of Representative Oscar Brookshire.

**H.C.R. 7**, Granting permission to Mission Insurance Company to sue the State of Texas.

**H.C.R. 8**, Honoring the Jackson Puppeteers and Hobby Club.

**H.C.R. 9**, Congratulating the Victoria High School Stingarettes.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**PRESENTATION OF GUEST**

The President presented his guest Mr. T. Louis Austin, Chairman, Texas Department of Corrections.

**SENATE RULE 74a SUSPENDED**

On motion of Senator Wilson and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to **S.J.R. 8**.

**SENATE JOINT RESOLUTION 8 WITH HOUSE AMENDMENT**

Senator Wilson called **S.J.R. 8** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment 1 - Sharp

Amend **S.J.R. 8** by striking Section 2 in its entirety and substituting the following:

"Section 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1982. The ballot shall provide for voting for or against the proposition: "The Constitutional amendment exempting implements of husbandry (agricultural machinery and equipment) from ad valorem taxation."

The amendment was read.

Senator Wilson moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**HOUSE CONCURRENT RESOLUTION 15**

Senator Farabee offered the following resolution:

WHEREAS, After almost 28 distinguished years of public service to the citizens of Texas as a State Representative, W. S. "Bill" Heatly will be retiring at the end of the 67th Legislature, and the members of the House of Representatives as well as the Senate will miss his inspiring leadership and outstanding legislative guidance; and

WHEREAS, Born near Mart in Limestone County in 1912, the Dean of the House of Representatives graduated from Decatur Baptist College; he then attended Baylor University and received a Bachelor of Arts degree and a Law Degree in 1936; and

WHEREAS, Mr. Heatly, a member of the Texas Bar Association and the American Bar Association, practiced law in Dallas, Beaumont, and Wichita Falls before moving to Paducah in 1948; and

WHEREAS, This notable Texan began his commendable career of public service shortly after arriving in Paducah when he was appointed City Attorney; he subsequently was named to the Texas Commission on Alcoholism in 1953 by Governor Allan Shivers; and

WHEREAS, First elected as State Representative in 1954, he has served 14 consecutive terms in the House of Representatives; throughout his long tenure in office, he has continuously represented his constituents in a competent and conscientious manner, while promoting legislation to benefit all Texans; and

WHEREAS, Mr. Heatly has received the respect and esteem of his colleagues for the capable leadership he has exercised while serving in a number of important positions; since 1956, he has been a member of the Legislative Budget Board, the longest time any Texan has served in that capacity, and he has been on the House Appropriations Committee for 26 years, serving as chairman for an unprecedented six terms from 1959 to 1971; and

WHEREAS, He currently serves the Judicial Affairs Committee as chairman for budget and oversight, and was a member of the Texas Legislative Council from 1955 to 1956 and chairman of the State Affairs Committee in 1957; and

WHEREAS, As a legislator, this exceptional individual has consistently worked to improve the state's mental health program, to promote Texas' agricultural industry, and to improve the prison system; and

WHEREAS, An alumnus of Baylor University, Mr. Heatly is an active supporter of his alma mater; he has served as a member of the board of directors of the Baylor Stadium Corporation, and he is a member of the Baylor Ex-Student Association, a chancellor of the Baylor Law School, and a member of the Baylor Bear Club and its board of directors; and

WHEREAS, In addition to his numerous responsibilities as a member of the Texas Legislature and his many statewide commitments, this illustrious citizen of Paducah is an influential civic leader of his community; he was on the executive board of the Northwest Texas Area Boy Scouts, served as president of the Paducah Lions Club, and is a charter member of the Paducah Chamber of Commerce and its board of directors; a member of the Pythias Lodge and a 33rd Degree Mason, Mr. Heatly also serves as chairman of the board of elders of the First Christian Church, of which he is a member; and

WHEREAS, The achievements of Mr. Heatly and his contributions to the State of Texas have been recognized on many occasions; he received an honorary Doctor of Laws degree from Howard Payne College in 1968, and he was named outstanding alumnus of Dallas Baptist College that same year; he also has been honored with plaques of recognition from the Texas Commission on Alcoholism, the Vocational Agricultural Teachers Association, the State Bar, and the Easter Seal Society of Texas; and

WHEREAS, The Texas Legislature has benefited from Mr. Heatly's many years of sound judgment and dependable leadership, and it is appropriate that the two houses of the Texas Legislature pay tribute to this eminent lawmaker; now, therefore, be it

RESOLVED by the House of Representatives, the Senate concurring, That the 67th Legislature of the State of Texas, 2nd Called Session, commend the

Honorable W. S. "Bill" Heatly on his many years of dedicated public service and his invaluable contributions to the greatness of this state; and, be it further

RESOLVED, That a copy of this resolution be prepared for Representative Heatly as an expression of esteem from the Texas Legislature.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RULE 74a SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to S.J.R. 6.

#### SENATE JOINT RESOLUTION 6 WITH HOUSE AMENDMENTS

Senator Farabee called S.J.R. 6 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Amendment No. 1 - Barrientos

Substitute the following for S.J.R. 6:

proposing a constitutional amendment relating to the maximum interest rate allowed on state general obligation bonds.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article III, Section 65, of the Texas Constitution be amended to read as follows:

Sec. 65. ~~[(a)]~~ Wherever the Constitution authorizes an agency, instrumentality, or subdivision of the State to issue bonds and specifies the maximum rate of interest which may be paid on such bonds issued pursuant to such constitutional authority, such bonds may bear interest at rates not to exceed a weighted average annual interest rate of 12% unless otherwise provided by law ~~[6%]~~. All Constitutional provisions specifically setting rates in conflict with this provision are hereby repealed.

~~[(b) Bonds issued by the Veterans' Land Board after the effective date of this subsection bear interest at a rate or rates determined by the board, but the rate or rates may not exceed a net effective interest rate of 10% per year unless otherwise provided by law. A statute that is in effect on the effective date of this subsection and that sets as a maximum interest rate payable on bonds issued by the Veterans' Land Board a rate different from the maximum rate provided by this subsection is ineffective unless reenacted by the legislature after that date.]~~

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1982. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment increasing the maximum interest rate allowed on state general obligation bonds to a weighted average annual interest rate of 12%."

Amendment No. 2 - Patterson

Amend C.S.S.J.R. 6 as follows:

On page 1, line 11, by striking the words "unless otherwise provided by law".

The amendments were read.

Senator Farabee moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.J.R. 6 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Farabee, Chairman; Williams, Jones, Caperton, Traeger.

#### HOUSE CONCURRENT RESOLUTION 6

The President laid before the Senate the following resolution:

**H.C.R. 6**, Recognizing legislative service of Representative Oscar Brookshire.

The resolution was read.

On motion of Senator Blake and by unanimous consent, the resolution was considered immediately and was adopted.

#### AT EASE

On motion of Senator Mauzy the Senate at 6:23 o'clock p.m. agreed to meet in Caucus and stand At Ease pending a Message from the House of the passage of **H.B. 9**. Upon receipt of that message, the Senate would then recess until 7:30 o'clock p.m.

#### IN LEGISLATIVE SESSION

The Senate met at 7:12 o'clock p.m. and was called to order by the Presiding Officer, Senator Jones.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 28, 1982

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE



SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 9**, Relating to appropriations for penal and adult correctional purposes.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 9**, To Committee on Finance.

#### **RECESS**

The Senate at 7:14 o'clock p.m., in accordance with a motion previously adopted, recessed until 7:30 o'clock p.m. today.

#### **IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 7:30 o'clock p.m.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for a Conference Committee on **S.J.R. 6**.

Conferees are as follows: McFarland, Chairman; Davis, Patterson, Turner, Grubbs.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

**C.S.H.B. 1** (Read first time)

**C.S.H.B. 9** (Read first time)

**SENATE RESOLUTION 103**  
(Caucus Report)

Senator Mauzy offered the following resolution:

Honorable William P. Hobby  
President of the Senate  
Austin, Texas

Sir:

At a caucus held on May 28, 1982, and attended by 26 members of the Senate the following recommendations were made, to-wit:

**BE IT RESOLVED BY THE SENATE:**

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the State from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Sergeant-at-Arms shall be retained and a number of assistants as necessary in the operation of the Senate until the convening of the next session.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Room, Staff Services Room, Calendar Clerk and Journal Clerk. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Purchasing and Supply Department. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

**RESOLVED**, That there shall be printed 325 volumes of the Senate Journal of the Second Called Session of the 67th Legislature and when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the

Senate to each member of the Senate, each member of the House of Representatives on request, to the Lieutenant Governor, and 65 paper bound copies shall be furnished to the State Library. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 67th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 67th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, employees of the Senate Committees and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the Legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual members office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin, but may be incurred in individual Senatorial Districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time from the end of the 67th Legislature, Second Called Session, until the convening of the next regular or special session each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a maximum payroll of \$9,000.00 per month under the classification schedule hereinafter provided. Any unexpended portion of this amount may be carried forward from month to month. Other expenses including members actual travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto shall be provided in addition to the maximum salary authorized.

It is further recommended that each employee of the Senate except elected officers be classified and paid pursuant to the following schedule to include salary changes made by the General Appropriations Act:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Clerk I	0051	02	721(1)- 743(2)- 767(3)
Messenger	0011	02	791(4)- 815(5)- 840(6)
Clerk Typist II	0106	04	815(1)- 840(2)- 866(3)
Stenographer I	0126	04	893(4)- 923(5)- 951(6)
Secretary II	0133	05	981(5)-1011(6)-1044(7)
Secretary III	0135	07	1112(5)-1148(6)-1184(7)
Admin. Secretary	0138	09	1263(5)-1305(6)-1347(7)
Info. Spec. I	1892	14	1537(1)-1588(2)-1642(3)
Admin. Tech. I	1501	08	1184(5)-1223(6)-1263(7)
Admin. Tech. II	1502	11	1392(4)-1438(5)-1487(6)
Admin. Tech. III	1503	13	1537(3)-1588(4)-1642(5)
Admin. Tech. IV	1504	15	1753(3)-1813(4)-1872(5)
Info. Spec. II	1893	16	1813(2)-1872(3)-1935(4)
Attorney III	3533	17	1872(1)-1935(2)-1999(3)
Research Asst. II	1517	13	1696(6)-1753(7)-1813(8)
ADP Equip. Oper. I	0221	07	981(1)-1044(3)-1112(5)
Rep. Equip. Oper. I	0309	09	1112(1)-1184(3)-1263(5)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employee to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the Standing Committees and Subcommittees of the Senate of the 67th Legislature, Second Called Session, be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation and perform research on matters directed either by resolution, the Lieutenant Governor or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That there is hereby created a committee whose membership shall consist of all 31 Senators and the Dean of the Senate shall preside as Chairman. The Chairman may appoint a vice-chairman or chairman pro tempore to preside in the absence of the Chairman.

The committee has the duty and authority to supervise all matters relating to the elected officers or internal affairs of the Senate. The committee has the power to do all things reasonable and necessary in carrying out its responsibilities including, but not limited to, the discharge of elected officers, filling vacancies in any elected office, determining salaries of elected officers, and prescribing the powers, functions, responsibilities and duties of the several elected officers of the Senate. The committee shall meet at the call of the Chairman or at a date specified in a written request of eleven members or as may be determined by the committee after its initial meeting. Twenty-one members shall constitute a quorum and a majority of the quorum may take action.

The operating expenses of this committee shall be paid from the contingent expense fund of the Senate and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee; and, be it further

RESOLVED, that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Oscar H. Mauzy  
Chairman of the Caucus

/s/Chet Brooks  
Secretary of the Caucus

The resolution was read and was adopted.

#### **ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM**

The President announced the election of a President Pro Tempore Ad Interim for the Second Called Session 67th Legislature as the next order of business.

Senator Brooks nominated Senator Walter H. Mengden, Jr., of Houston.

After a seconding speech by Senator Mauzy and on the motion of Senator Brooks, Senator Mengden was elected by acclamation.

The President appointed the following Members to escort Senator Mengden to the President's Rostrum: Senators Brooks, Mauzy, Brown, Traeger and Harris.

Senator Mengden expressed his appreciation to the Senate.

#### **CONFERENCE COMMITTEE REPORT SENATE JOINT RESOLUTION 6**

Senator Farabee submitted the following Conference Committee Report:

Austin, Texas  
May 28, 1982

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 6 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

FARABEE  
JONES  
TRAEGER  
CAPERTON  
WILLIAMS  
On the part of the Senate

McFARLAND  
DAVIS  
GRUBBS  
TURNER  
PATTERSON  
On the part of the House

**CONFERENCE COMMITTEE REPORT  
SENATE JOINT RESOLUTION 6**

**SENATE JOINT RESOLUTION**

proposing a constitutional amendment relating to the maximum interest rate allowed on state general obligation bonds.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**SECTION 1.** That Article III, Section 65, of the Texas Constitution be amended to read as follows:

"Section 65. (a) Wherever the Constitution authorizes an agency, instrumentality, or subdivision of the State to issue bonds and specifies the maximum rate of interest which may be paid on such bonds issued pursuant to such constitutional authority, such bonds may bear interest at rates not to exceed a weighted average annual interest rate of 12% unless otherwise provided by law or by Subsection (b) of this section ~~{6%}~~. All Constitutional provisions specifically setting rates in conflict with this provision are hereby repealed.

"(b) Bonds issued by the Veterans' Land Board after the effective date of this subsection bear interest at a rate or rates determined by the board, but the rate or rates may not exceed a net effective interest rate of 10% per year unless otherwise provided by law. A statute that is in effect on the effective date of this subsection and that sets as a maximum interest rate payable on bonds issued by the Veterans' Land Board a rate different from the maximum rate provided by this subsection is ineffective unless reenacted by the legislature after that date."

**SECTION 2.** This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1982. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment increasing the maximum interest rate allowed on state general obligation bonds to a weighted average annual interest rate of 12%."

The Conference Committee Report was read and filed with the Secretary of the Senate.

**SENATE RULE 96(h) SUSPENDED**

On motion of Senator Farabee and by unanimous consent, Senate Rule 96(h) was suspended as it relates to the Conference Committee Report on S.J.R. 6.

**CONFERENCE COMMITTEE REPORT ON  
SENATE JOINT RESOLUTION 6 ADOPTED**

Senator Farabee called from the President's table the Conference Committee Report on S.J.R. 6. (The Conference Committee Report having been filed with the Senate and read on Friday, May 28, 1982.)

On motion of Senator Farabee, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**COMMITTEE SUBSTITUTE HOUSE BILL 1 ON SECOND READING**

On motion of Senator Snelson and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 1**, Relating to appropriations and authorizations for the construction of permanent improvements, acquisition of land, and major repair and rehabilitation projects at certain institutions of higher education.

The bill was read second time and was passed to third reading.

**COMMITTEE SUBSTITUTE HOUSE BILL 1 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

**COMMITTEE SUBSTITUTE HOUSE BILL 9 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 9**, Relating to appropriations to alleviate the problems of overcrowded prisons and to publish constitutional amendments and relating to limits on amount of state funds expended in suits against the Texas Department of Corrections or its employees and restrictions as to those and other suits against the state or any board or agency thereof.

The bill was read second time and was passed to third reading.

**COMMITTEE SUBSTITUTE HOUSE BILL 9 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard.

Absent-excused: McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call.)

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

HONORABLE W.P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended and the Conference Committee Report on S.J.R. 6 adopted by record vote of 131 ayes, 1 nay, 1 present not voting.

H.C.R. 20, Commending State Representative Arnold Gonzales on legislative service.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

S.C.R. 10  
S.C.R. 12  
S.J.R. 8  
S.J.R. 10  
H.C.R. 1  
H.C.R. 13  
H.C.R. 16  
H.C.R. 22



**H.C.R. 23**

**H.C.R. 24**

**HOUSE CONCURRENT RESOLUTION 20**

The President laid before the Senate the following resolution:

**H.C.R. 20**, Commending State Representative Arnold Gonzales on his legislative service.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE CONCURRENT RESOLUTION 13**

Senator Mauzy offered the following resolution:

**BE IT RESOLVED**, by the Senate of the State of Texas, the House of Representatives concurring, that the 67th Legislature, Second Called Session, stand adjourned sine die at 10:00 o'clock p.m., Friday, May 28, 1982.

The resolution was read and was adopted.

**MOTION IN WRITING**

Senator Mauzy submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following Committee to Notify the Governor: Senators Caperton, Harris, Howard, Meier and Truan.

**MOTION IN WRITING**

Senator Mauzy submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following Committee to Notify the House of Representatives: Senators Brooks, Kothmann, Ogg, Short and Uribe.

**COMMITTEE TO NOTIFY GOVERNOR DISCHARGED**

The Committee to Notify the Governor returned to the Senate Chamber and reported they were unable to notify the Governor that the Senate had completed its labors and were ready to adjourn sine die.

The Committee was discharged by the President.

**HOUSE NOTIFIED**

The Committee to Notify the House returned to the Senate Chamber and Senator Brooks for the Committee reported that the Committee had performed the duty assigned to it.

The Committee was discharged by the President.

**AT EASE**

The President at 8:22 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair, pending completion of enrolling all Senate and House bills and resolutions.

**IN LEGISLATIVE SESSION**

The Senate was called to order as In Legislative Session by the Presiding Officer, Senator Caperton, at 8:26 o'clock p.m.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 25**, Granting Clyde Jenkins permission to sue the State.

**H.C.R. 26**, Memorializing Congress to exempt dams under the NPDES permit program of the Clean Water Act.

**H.C.R. 27**, Commending Thomas M. Keel, Director of the Legislative Budget Board, upon his retirement.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**HOUSE CONCURRENT RESOLUTION 27**

The President laid before the Senate the following resolution:

**H.C.R. 27**, Commending Thomas M. Keel, Director of the Legislative Budget Board, upon his retirement.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

**AT EASE**

The Presiding Officer, Senator Caperton, announced at 8:29 o'clock p.m. the Senate would stand At Ease Subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The Senate was called to order as In Legislative Session by the Presiding Officer, Senator Meier, at 8:36 o'clock p.m.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to **H.B. 9** by a vote of 139 ayes, 2 nays.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**AT EASE**

The Presiding Officer, Senator Meier, announced at 8:37 o'clock p.m. the Senate would stand At Ease Subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 8:50 o'clock p.m.

**RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolution:

**S.J.R. 6**

**AT EASE**

The President at 8:52 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 8:54 o'clock p.m.

**SENATE NOTIFIED**

A Committee from the House of Representatives appeared in the Senate Chamber and Mr. Watson for the Committee notified the Senate that the House had adjourned sine die.

**AT EASE**

The President at 8:57 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

**IN SESSION**

The President called the Senate to order as In Legislative Session at 9:03 o'clock p.m.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 28, 1982

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 13,** That the 67th Legislature, Second Called Session, stand adjourned sine die.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**AT EASE**

The President at 9:06 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 9:30 o'clock p.m.

**RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

**S.C.R. 13**

**AT EASE**

The President at 9:31 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair, pending the completion of enrollment of the remaining House bills and resolutions.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 10:28 o'clock p.m.

**BILL AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

**H.B. 1**

**H.C.R. 5**

**H.C.R. 6**

**H.C.R. 8**

**H.C.R. 9**

**H.C.R. 15**

**AT EASE**

The President at 10:30 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 11:22 o'clock p.m.

**BILL AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

**H.B. 9**

**H.C.R. 20**

**H.C.R. 27**

**MEMORIAL RESOLUTIONS**

**H.C.R. 13 - (Uribe):** Memorial resolution for Edward H. Green.

**S.R. 93 - By Glasgow:** Memorial resolution for Mrs. Ruby Beatrice Beyer Fambro.

**S.R. 103 - By McKnight:** Memorial resolution for Judge James H. Moore.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 5** - (Glasgow, Jones): Recognizing legislative service of Buddy Jones.

**H.C.R. 8** - (Wilson): Honoring the Jackson Puppeteers and Hobby Club.

**H.C.R. 9** - (Wilson): Congratulating the Victoria High School Stingarettes.

**H.C.R. 16** - (Snelson): Commending the Honorable Julius Neunhoffer, County Judge, Kerr County.

**H.C.R. 22** - (Wilson): Extending congratulations to the Refugio High School track team.

**H.C.R. 23** - (Wilson): Extending congratulations to the Woodsboro High School track team.

**H.C.R. 24** - (Wilson): Honoring Edna and Ganado, Texas, on the occasion of their twin centennial celebration.

**S.R. 87** - By Andujar: Expressing appreciation to Lawrence R. Young.

**S.R. 88** - By Andujar: Expressing appreciation to Carolyn K. Kastner.

**S.R. 92** - By Glasgow: Extending congratulations to Judie Feldenhoff.

**S.R. 94** - By Doggett: Extending congratulations to Melissa Ann Padgett.

**S.R. 95** - By Doggett: Extending congratulations to Mr. and Mrs. Levi C. Brown.

**S.R. 96** - By Brooks: Commending Helen Barnes Goodman for her service to the State of Texas.

**S.R. 97** - By Snelson: Recognizing Judge Ken G. Spencer as an outstanding citizen of the State of Texas.

**S.R. 98** - By Doggett: Extending welcome to Mindy Schulze, "Honorary Page" for the day.

**S.R. 99** - By Doggett: Extending welcome to Frieda Gress, "Honorary Page" for the day.

**S.R. 100** - By Doggett: Extending welcome to John Mueller, "Honorary Page" for the day.

**S.R. 101** - By Parker, Glasgow: Extending welcome to students and their teachers from the Denton State School.

**S.R. 102** - By Doggett: Commending Dr. H. L. Gaines for his years of service to the Austin Independent School District.

**S.R. 104** - By Doggett: Extending congratulations to Amy Filvaroff.

**ADJOURNMENT SINE DIE**

The President announced that the hour for final adjournment of the Second Called Session of the 67th Legislature had arrived.

Senator Snelson moved that the Senate, in accordance with a previously prevailing motion, stand adjourned sine die.

The President declared at 11:28 o'clock p.m. the Second Called Session of the 67th Legislature adjourned sine die in memory of Dean A. M. Aikin, Jr.

**APPENDIX**

Sent to Governor  
(June 1, 1982)

S.J.R. 6  
S.J.R. 8  
S.J.R. 10  
S.C.R. 4  
S.C.R. 5  
S.C.R. 6  
S.C.R. 7  
S.C.R. 8  
S.C.R. 9  
S.C.R. 10  
S.C.R. 12  
S.C.R. 13

Signed by Governor  
(May 28, 1982)

**H.J.R. 1**

June 3, 1982)

S.J.R. 10	H.C.R. 8
S.C.R. 4	H.C.R. 9
S.C.R. 5	H.C.R. 11
S.C.R. 6	H.C.R. 13
S.C.R. 7	H.C.R. 15
S.C.R. 8	H.C.R. 16
S.C.R. 9	H.C.R. 17
S.C.R. 10	H.C.R. 18
S.C.R. 12	H.C.R. 19
S.C.R. 13	H.C.R. 20
H.C.R. 1	H.C.R. 22
H.C.R. 2	H.C.R. 23
H.C.R. 4	H.C.R. 24
H.C.R. 5	H.C.R. 27
H.C.R. 6	

(June 4, 1982)

**H.B. 1** Effective immediately

**H.B. 9** Effective immediately

**S.J.R. 6**

**S.J.R. 8**



In Memory

of

A. M. Aikin, Jr.

Senator Howard offered the following resolution:

(Senate Concurrent Resolution 12)

WHEREAS, An important chapter in Texas history came to a close with the death of the Honorable A. M. Aikin, Jr., Dean Emeritus of the Texas Senate, who died on October 24, 1981, at the age of 76; and

WHEREAS, Remembered as the conscience of the Senate, Dean Aikin challenged all to live up to his high principles and ideals, his kindness, loyalty, wisdom, honesty, and integrity; and

WHEREAS, A man of great foresight and vision, Dean Aikin is considered the father of the Texas public school system; "I came here thinking a child ought to get an equal educational opportunity whether he was born in the middle of an oil field or in the middle of a cotton field," were the words spoken by Dean Aikin that were to give birth to the landmark Gilmer-Aikin Bill establishing equal educational opportunity for all and revolutionizing public education in Texas; and

WHEREAS, Since 1949, Dean Aikin has been the guiding force in all public school legislation, and his spirit continues to exhort us to press forward in wisdom and fairness; and

WHEREAS, Dean Aikin entered public service as a member of the House of Representatives in 1933 where he served with great distinction and honor; he was elected to the Senate in 1937 which was to be his home until his retirement in 1979; he served the people of Texas and the legislature unstintingly for 46 years, longer than any other individual in the state's history; and

WHEREAS, Dean Aikin's innate sense of fairness greatly benefitted the people of this state when he served as Chairman of the Senate Finance Committee and insisted on a just and equitable distribution of the budget according to need; and

WHEREAS, Countless people throughout the nation owe a debt of gratitude to him for his staunch advocacy and support of the M. D. Anderson Hospital; his commitment helped the hospital grow into the finest cancer and research hospital in the nation; and

WHEREAS, Dean Aikin has left a legacy of courage and dedicated public service and with his passing Texas lost a great man whose efforts will continue to bear fruit in the years to come and whose fairness and honesty will long be remembered by those who called him friend; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 67th Legislature, 2nd Called Session, the House of Representatives concurring, That the Texas Legislature pay tribute to the life of Dean A. M. Aikin, Jr., as we remember his positive and lasting influence on this great state and extend deep sympathy to his wife, "Miss Welma," and his son, A. M. Aikin III, on their grievous loss; and, be it further

RESOLVED, That official copies of this resolution be prepared for his family, that pages be set aside in the journals of the House of Representatives and the Senate in his honor, and that when the two houses of the Texas Legislature adjourn this day, they do so in memory of A. M. Aikin, Jr., Dean Emeritus of the Texas Senate.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

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The following remarks were made by Lieutenant Governor Bill Hobby at a Memorial Service held for Dean A. M. Aikin, Jr., in the Senate Chamber on October 29, 1981:

"Well done, thou good and faithful servant"—

How well those words can be applied when we recall the life of our friend, A. M. Aikin, Jr.

How well those words can be applied when we recall his family life—loving husband of Miss Welma for 52 years—and loving father and grandfather.

How well those words can be applied when we recall his church life—every Sunday.

How well those words can be applied when we recall his civic life—active in all affairs of his community.

How well those words can be applied when we recall his public service—elected to two terms in the Texas House of Representatives beginning in 1933, then elected to successive terms in the Texas Senate and serving from 1937 to 1979.

How well those words can be applied when we recall the man and what he stood for—kindness, loyalty, wisdom, honesty and integrity.

But how much better those words can be applied when we consider the foresight of the man and the legacy he left us, with the challenge to live up to his ideals.

"I came here thinking a child ought to get an equal educational opportunity whether he was born in the middle of an oil field or in the middle of a cotton field." These words he spoke many years ago and they gave birth to the Gilmer-Aikin bill—as we all know—the landmark legislation concerning public schools in the history of Texas.

From 1949 to the present his wisdom has guided every piece of public school legislation that has passed, and that same wisdom calls on us to press forward—to do better for "that child" wherever he was born.

"Use common sense, be reasonable and do the job honestly and fairly."

More words he spoke on many occasions. The job he spoke of was being a State Senator. How well he did that job—representing those people who elected him as well as all the people of Texas.

How well he did that job as Chairman of the Senate Finance Committee—balancing tax income with appropriations—to see that everyone got a fair shake—and how important it is for us to continue that fairness.

How well he did that job when he would tell Lee Clark, "Don't ask for more than you want—I'll see that you get it—" and the result has made M.D. Anderson the finest cancer research center and hospital in the nation. And how that example calls on us to continue the support of that fine institution.

How well those words can be applied and how well he did that job when we recall the many times, as the conscience of the Senate, he calmed us down and pointed us in the right direction.

“Well done, thou good and faithful servant”—

How well those words can be applied when we recall “The Dean”—our friend, our mentor, our counselor, and our inspiration—and “Jot-Du-Em,”—

We’ll miss him.

“The Senator from Lamar—moves the Senate stand adjourned Sine Die.”

In Memory

of

J. C. Davis, Jr.

Senator Farabee offered the following resolution:

(Senate Resolution 90)

WHEREAS, Citizens of Haskell County and Austin were deeply saddened by the death of J. C. Davis, Jr., on July 3, 1981, at the age of 69; and

WHEREAS, Born in Sagerton, Haskell County, Mr. Davis finished his high school education in Rule, graduated from Texas Technological College (now Texas Tech University), was an honor graduate of Cumberland University School of Law in 1934, and was admitted to the Texas Bar the same year; and

WHEREAS, J. C. Davis, Jr., began his practice of law with his cousin Tom Davis, a long-time Haskell attorney, and later served two terms as county judge of Haskell County, during which time he never had a case reversed by the appellate courts; and

WHEREAS, Joining the Attorney General's Office in Austin in 1943, Mr. Davis served as chief of the State and County Division, providing state agencies and counties with legal advice and representation; he helped arrange the first conference for county judges and commissioners; he was in charge of the Attorney General's Law Enforcement Conference for county and district attorneys and other law enforcement officials; and was a frequent speaker at meetings of state, district, and county officials; and

WHEREAS, After his retirement in 1976, Mr. Davis remained active in his community and profession, maintaining memberships in the University United Methodist Church and the Hickman Bible Class, as well as the Travis County Bar Association; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, 2nd Called Session, pay tribute to the life of service and accomplishments of J. C. Davis, Jr., and extend deepest sympathy to his family: his wife, Mary Emma Davis of Austin; his sons, Jay Davis of Livermore, California, Robert Davis of Arlington, Virginia, and Walter Davis of Austin; his brothers, Judge Tom G. Davis of Austin and Foster Davis of Crowell; and his two grandchildren; and, be it further

RESOLVED, That official copies of this Resolution be prepared for the members of his family, and that when the Senate of the State of Texas adjourns this day, it do so in memory of J. C. Davis, Jr.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**Pages 84, 85, 86 and 87 missing in original**